

GAHC010237762018



2026:GAU-AS:3153

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/7519/2018

PRANJIT TALUKDAR AND 9 ORS.
SON OF LATE BHARAT TALUKDAR, VILL- GOPINATH PUR, P.S.-
TAMULPUR, P.O.- KUMARIKATA, DIST- BAKSA, ASSAM, PIN- 781360.

2: DILIP DAS
S/O- LATE PARBANANDA DAS
VILL- BAHBARI
P.O- KUMARIKATA
P.S- TAMULPUR
DIST- BAKSA
ASSAM
PIN- 781360

3: BIPUL KUMAR BORO
S/O- SRI SONESWAR BORO
VILL AND P.O- TEBITOLA
P.S- TAMULPUR
DIST- BAKSA
ASSAM
PIN- 781368

4: LAKSHMI DAS
D/O- LATE PRITHU RAM DAS
VILL- DIGHALIPAR
P.O- TAMULPUR
PIN- 781367

5: LATIKA BORO
D/O- SRI BHABEN BORO
TEBITOLA
P.S- TAMULPUR
DIST- BAKSA
ASSAM
PIN- 781368

6: KIRAN DEKA
D/O- LATE BHARAT DEKA
VILL- BARAIGAON
P.S- TAMULPUR
P.O- TAMULPUR
DIST- BAKSA
ASSAM
PIN- 781367

7: RAMILA NARZARY
W/O- SRI RANO KUMAR BASUMATARY
VILL- AMBARI SARUSHERA
P.O- NO. 2 DARRANGAGIRI
P.S- TAMULPUR
DIST- BAKSA
ASSAM
PIN- 781367

8: DIPALI DEKA
D/O- LATE BARHUNA DEKA
VILL AND P.O- KACHUBARI
DIST- BAKSA
PIN- 781367

9: BHADRESWAR HEMBROM
VILL- DAIMABARI
P.O- PAKRIBARI
P.S- TAMULPUR
DIST- BAKSA
PIN- 781367

10: LAWRENCE KISKU
S/O- LATE DANIEL KISKU
VILL- LAWPARA
P.O- TEBITOLA
DIST- BAKSA
PIN- 78136

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION DEPTT., DISPUR, GUWAHATI- 781006.

2: THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
EDUCATION (ELEMENTARY) DEPTT.
DISPUR

ASSAM
DISPUR- 781006.

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
KAMRUP
GUWAHATI-19
ASSAM.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
BAKSA
ASSAM
PIN- 781327

5:THE BLOCK ELEMENTARY EDUCATION OFFICER

TAMULPUR BLOCK
DIST.- BAKSA
ASSAM
PIN- 781367.

6:THE DEPUTY INSPECTOR OF SCHOOLS

NALBARI
PIN- 781335.

7:THE PRINCIPAL SECRETARY
BTC
KOKRAJHAR
ASSAM
PIN- 781256

8:THE SCREENING COMMITTEE
UNDER THE CHAIRMANSHIP OF DIRECTOR (ELEMENTARY) EDUCATION
ASSAM HAVING ITS OFFICE AT KAHILIPARA
GUWAHATI- 78101

Advocate for the Petitioner : MR H K DAS, MR H K DAS,MR. U PATHAK,MR D J DAS

Advocate for the Respondent : SC, EDU, SC, BTC

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 27-02-2026

Heard Mr. H.K. Das, learned counsel for the petitioners. Also heard Mr. B. Talukdar, learned standing counsel, Elementary Education Department, Assam appearing for the respondent Nos. 1 to 3 & 8 and Ms. B. Bora, learned standing counsel, BTC appearing for the respondent Nos. 4 to 7.

2. The petitioners, herein, project that they were recruited as Assistant Teachers in the Lower Primary Schools, within the jurisdiction of the District Elementary Education Officer, Baksa, sometime in the year 2001 after a due process of selection. However, the salaries of the petitioners, were not released. The petitioners further project that in pursuance to directions passed by this Court, the Education Department had approached the Cabinet, with a proposal for constitution of Screening Committee to examine the cases of illegally/ irregularly appointed teachers working in Lower Primary and Upper Primary Schools of the State. In pursuance to the approval granted by the Cabinet in its meeting held on 26-02-2011, the Elementary Education Department proceeded to issue an Office Memorandum dated 15-11-2011 setting up Screening Committees and also laying down the guidelines for functioning of such Committee.

The Director, Elementary Education, Assam issued an advertisement dated 01-02-2012, inviting applications from illegally/ irregularly appointed teachers working continuously in Lower Primary/ Upper Primary Schools of the State since 1991 to 2001. The BTC authorities have acknowledged that the petitioners were appointed by the then Deputy Inspector of Schools, Nagaon. The petitioners content that they being teachers of Elementary Schools situated in areas falling under the jurisdiction of the Bodoland

Territorial Council and they being permitted to continue in their services, their due salaries could not have been withheld.

Being aggrieved the petitioners have instituted the present writ petition.

3. Mr. Das, learned counsel for the petitioners by reiterating the above noted facts has submitted that the BTC authorities in their affidavit have recognized the initial appointment of the petitioners to have been made by a Governmental authority. He further submits that from the list as submitted by the BTC authorities of teachers who are either irregular or illegal, working in the Schools falling within the jurisdiction of BTC, many were appointed on regular basis as Teachers/ Tutors. However, the said benefit was not extended to the petitioners although the BTC authorities had acknowledged the appointment of the petitioners in their respective Schools as well as the continuance of the petitioners in service. He further submits that the petitioners being permitted to continue in their services, till date, the petitioners are entitled to their respective salaries as well as to have their services regularized and/ or adjusted against a regular sanctioned vacant post.

4. Per contra, Mr. B. Talukdar, learned standing counsel, Elementary Education, Assam, submits that the petitioners have not brought on record any material to demonstrate that their initial appointments were effected following the procedure mandated under the Rules holding the field. He submits that the petitioners had submitted themselves to the screening process, undertaken by the departmental authorities. The Screening Committee having found the petitioners to be not satisfying the criteria as set out, no recommendation came to be made in favour of the petitioners for

accommodation against vacant sanctioned post. Accordingly, he submits that the claim as made by the petitioners in the present proceeding would not mandate an acceptance from this Court.

5. I have heard the learned counsel for the parties and perused the materials available on record.

6. The petitioners have projected that they were recruited as teachers in the year 2001 and posted at various Lower Primary Schools in the present district of Baksa. The petitioners are also found to have been appointed by the then Deputy Inspector of Schools, Nalbari as Stipendiary Teachers. However, the petitioners in the writ petition have not disclosed the particulars of the recruitment process undertaken, pursuant to which they were engaged as Stipendiary Teachers. Accordingly, the projection made by the departmental authorities of the petitioners being illegally and/ or irregularly appointed teachers, finds force. This Court also finds that the petitioners without any objection had subjected themselves to the screening process undertaken by the departmental authorities in pursuance to the issuance of the advertisement dated 01-02-2012. The petitioners were, accordingly, screened by the constituted Screening Committees. The Committee upon screening of the teachers appearing before it had segregated such teachers, into 03 (three) broad categories. The first category included teachers who had received salaries up to the year 2007 and also completed their respective Teachers Training Course. The second category included teachers who had received salaries till 2007, but had not completed Teachers Training Course. The third category included teaches who had neither received their salaries nor had completed their teachers training

course. The petitioners, herein, came to be placed in the third category.

7. The report of the Screening Committee, thereafter, was again placed before the Cabinet seeking approval for accommodating the teachers placed by the Screening Committees in Category-1, by creating posts of teachers as personal to them with prospective effect. Further, approval was sought for accommodating teachers included in Category-2 as Tutors. The Cabinet granted its approval in the matter and teachers included in Category-1 & 2 came to be accommodated as Teachers/ Tutors, as the case may be. The petitioner being placed in the third category, they not being covered by the decisions of the Cabinet now coming into force, their cases came to be rejected.

8. In view of the above discussion, noting that the policy decision of the Government with regard to the manner of accommodation of irregularly/ illegally appointed teachers being not under challenge in the present proceeding, the petitioners being found to have not satisfied the criteria set out for accommodating them as Teachers and/ or as Tutors, the prayers made in the present writ petition would not mandate acceptance by this Court.

9. Having drawn the said conclusion, this Court would consider the contention raised by the learned counsel for the petitioner that although the petitioners were placed in the third category and were not favoured with an order either accommodating them as teachers and/or tutors, the petitioners were allowed to continue in their respective services by the BTC authorities. The said contention is not disputed by Ms. B. Bora, learned standing counsel, BTC.

10. In the event the petitioners, herein, are continuing in their respective services in pursuance to a conscious decision taken by the BTC authorities in the matter, the consequence, thereof, would be that the petitioners, herein, would be entitled to their remuneration for such services rendered. Accordingly, the petitioners are directed to approach the competent authority of the BTC with a representation highlighting the fact that they were permitted to continue in their respective services and raise a claim for being authorized salary for such services rendered by them. On receipt of such representation from the petitioners, the BTC authorities shall examine, as to whether the petitioners were so continuing in their respective services in Schools situated within the jurisdiction of the BTC, after being so permitted to continue in their respective service by a competent authority of the Council. In the event the petitioners are found to have been permitted to continue in their respective services by a competent authority of BTC, the Council shall determine the remuneration required to be paid to the petitioners for the services rendered by them and release to them the arrears thereof along with the current salaries within a period of 06 (six) months upon receipt of representations along with a certified copy of this order from the petitioners.

11. With the above observations and directions, the present writ petition stands disposed of.

JUDGE

Comparing Assistant